House of Commons
Environmental Audit Committee

Marine protected areas: Government response to the Committee's First Report of Session 2014–15

Sixth Special Report of Session 2014–15

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Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

All publications of the Committee (including press notices) and further details can be found on the Committee's web pages at www.parliament.uk/eacom

Membership at the time of the report

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Sixth Special Report

The Environmental Audit Committee reported to the House on 21 June 2014 on Marine protected areas (HC 221). The Government response to the Committee’s Report was received on 8 September 2014, and is appended below. After our Report the British Marine Aggregate Producers Association wrote to the Committee on 30 June, and their submission is also appended below.

Appendix 1—Government response

Introduction

1. The Environment Food and Rural Affairs Committee’s report on marine protected areas focusses on marine conservation zones (MCZs) which form part of the network of marine protected areas (MPAs) we are putting in place to protect marine biodiversity in waters around the UK. The other components of the network are Special Areas of Conservation established under the EU Habitats Directive\textsuperscript{1}, Special Protection Areas for birds established under the EU Wild Birds Directive\textsuperscript{2}, Sites of Special Scientific Interest notified under the Wildlife and Countryside Act 1981 (as amended)\textsuperscript{3} and sites designated under the Ramsar Wetland Convention\textsuperscript{4}. The designation of the first tranche of 27 MCZs in November 2013 resulted in almost 25\% of English inshore waters out to 12 nm being within marine protected areas. With the recent designation of Nature Conservation MPAs in Scotland (equivalent to MCZs) over 16\% of UK waters are now within the over 500 MPAs thus exceeding the global Aichi targets adopted under the Convention on Biological Diversity\textsuperscript{5}.

2. Establishment of marine protected areas is a key element of an ambitious programme to protect and enhance the marine environment while supporting sustainable use of its resources to achieve the Government’s vision of ‘clean, healthy, safe, productive and biologically diverse oceans and seas’. Other elements include management and regulation of economic activities which take place in the marine environment, for example implementing the reforms we secured to the Common Fisheries Policy to manage fish stocks more sustainably and eliminate the waste of discarding dead fish. The Government is also, for the first time, establishing marine plans around our coast to help achieve efficient management of competing uses of our seas while safeguarding the environment

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\textsuperscript{5} Aichi Biodiversity Targets. http://www.cbd.int/sp/targets/

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.
and has implemented an improved system for marine licensing. Another tool in achieving the Government’s vision is specific protection for important marine species, for example, cetaceans, seahorses and some fish species. All of these initiatives contribute to achieving good environmental status in our seas by 2020 as required under the EU Marine Strategy Framework Directive⁶.

Response to Recommendations

1. The Government should put in place engagement and communications plans for the MCZ programme, before consulting on the next tranche of MCZs in 2015, to ensure that it is more widely understood and accepted.

3. The Government implemented a stakeholder engagement and communications plan as part of the process for deciding on which of the 37 candidate sites for the second tranche should be designated. The plan, which was discussed with stakeholders at an event in February 2014 announcing the list of candidate sites, includes

- a series of meetings with key national stakeholder groups, for example, the groups representing the major marine users and all the major national conservation NGOs;
- a series of local meetings with those with an interest in the candidate sites.

4. These meetings were used to provide an update on the MCZ designation process and gather information to update the evidence base (ecological, economic and social) for each of the sites. Stakeholders have welcomed the approach and provided constructive input which will inform ministerial decisions on which of the candidate sites to propose for designation.

5. Further stakeholder engagement is being planned during the course of the designation process including during the public consultation expected to start in early 2015.

6. For the first tranche of MCZs the Government provided a simple factsheet for each site providing user-friendly non-technical information about the site, the features for which it was designated and information about likely management. These have been very well-received. It is intended that these factsheets will be updated as further management measures are implemented. Similar factsheets will be provided for second tranche MCZs when these are designated.

2. The Government should seek to apply the lessons from the consultation process for the first tranche of MCZs and bring forward and extend the mapping and research work needed to underpin the next rounds. That further research will help the Government demonstrate that it is taking on board any consequences for business and leisure users. Ultimately, however, it should follow a precautionary principle approach to designations to protect our threatened marine biodiversity, based, if need be, on the

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‘best available’ data. To demonstrate to all sides that it is committed to the environmental protection of our seas, the Government should seek to frontload the selection of further MCZs so that more fall in the second, rather than in the third, tranche of designations. The Government’s planned second tranche of 37 sites is insufficient, and a significantly higher target should be set.

7. The Government is building on the consultation process for the first tranche taking account of points raised in consultation responses. For example, we have committed to providing greater clarity about the impacts of MCZ designation on users of sites proposed for designation. Regulators are responsible for putting in place actual management measures on sites but Government will provide information on uses which may be affected without compromising the role of regulators. We have also implemented a stakeholder engagement and communications plan as noted above.

8. The Government is committed to the environmental protection of our seas and completing our contribution to a network of marine protected areas. To ensure this is successful and affords protection to representative and rare and vulnerable species and habitats, it is vital that there is an adequate evidence base to support designations. Designation of MCZs results in costs going forwards for both industry and Government (in terms of implementing management measures, monitoring and enforcement). It is therefore important that designations are made on the basis of sound evidence so that these sites provide environmental protection but do not have an inappropriate impact on business and leisure users. Over the last 4 years over £10m has been provided to support seabed surveys and mapping of sites and up to a further £2m is expected to be provided this financial year. Recognising the uncertainties around the impacts of some activities in sites e.g. the impacts of static fishing gear on reef features, Government has established arrangements to prioritise gaps so that funding can be directed at these.

9. Government recognises the tension between resolving uncertainties and taking a precautionary approach to protecting potentially threatened marine biodiversity. It is noteworthy that some of the mapping carried out so far has indicated that features thought to be present on sites were in fact absent and vice versa. For example the ‘Rock Unique’ site off the north east coast was considered by the Net Gain Regional MCZ Project to contain a low energy circalittoral rock feature. A seabed survey of the site was unable to find this feature outcropping within the site, and the site, designated in the first tranche, has been renamed ‘North East of Farnes Deep MCZ’. In these circumstances the best available information would have resulted in incorrect designations which could have negatively impacted on marine users and required scarce Government resource to correct.

10. The Government does not accept the recommendation to frontload the second tranche. A candidate list of 37 sites for the second tranche of MCZs, from which the smaller shortlist of sites proposed for designation will be selected, was announced in February. The candidates for the second tranche were identified taking account of their contributions to a network; the existence of new evidence gathered since the regional MCZ projects made their recommendations and a manageable workload for Natural England and the Joint Nature Conservation Committee (the Government’s Statutory Nature Conservation Advisers (SNCBs)) and regulators recognising their other priorities and the current financial constraints.
11. Work on identifying which of the candidate sites are suitable to propose for designation is well-advanced. Adding further sites at this stage would result in a significant delay to the public consultation on the second tranche planned to start January 2015 and would be likely to prompt significant criticisms about the lack of evidence for some of the sites and potential increased costs for sea users.

3. The Government must immediately set out its strategy for managing the existing MCZs, and include site management details for the second tranche of MCZs at the start of their consultation process in early 2015.

5. The Government needs to move quickly to reassure key stakeholders that it has a credible strategy for management of the Marine Conservation Zones. Full management plans for all 27 existing MCZs should be published at the latest by November 2014—the first anniversary of their designation. Substantial draft management plans for each of the next tranche of MCZs should be part of the consultation on that tranche when it is launched in early 2015.

12. Extensive arrangements have been in place for MCZs since December 2012 for activities which require a marine licence such as port developments and aggregate extraction. The MMO considers whether an application has the ability to affect a MCZ feature and to further or least hinder the conservation objectives in its decision making. The MCZ assessment process is now embedded in the marine licensing process and all sites are assessed to permit new activities in line with legislative requirements.

13. Regulators are considering whether management measures are required to put additional controls on commercial fishing and unlicensed activities (such as recreation) in the 27 MCZs designated in November 2013. A number of these sites already have some protection from fishing activities through existing legislation, for example, bottom trawling by vessels over 15m is prohibited in most of the 0-6nm zone and all Inshore Fisheries and Conservation Authorities (IFCAs) have restrictions on size and scale of scallop dredging within their districts. A number of MCZs also have more specific measures in place, examples include, a bylaw banning bottom-towed gear will protect Ross worm reef (Sabellaria spinulosa) in the Thanet MCZ and a ban on nets will protect Smelt in the Tamar Estuary MCZ.

14. For commercial fishing and unlicensed activities, appropriate management measures are being put in place using a phased risk-based approach by relevant regulators (mainly Marine Management Organisation and IFCAs). IFCAs have received New Burdens funding of £3m per year for their new duties including work on MCZs which has been extended to 2015–16. Plans for managing MCZs are being integrated with the management of fishing activities on European Marine Sites. The process for managing activities in MCZs includes evidence gathering, risk assessment and appraisal of options and engagement with interested parties such as the fishing industry and conservation NGOs.

15. Management of commercial fishing activities in sites in the 6-12nm area where other EU member states have historic fishing rights and in sites in the 12-200nm area are subject to the requirements of the reformed Common Fisheries Policy. This requires discussion with relevant member states and ideally agreement of joint proposals for management of
sites to put to the Commission which are then formally implemented in EU regulations. Discussions with other member states with an interest in the first tranche of MCZs have begun for a number of sites.

16. As noted above, the Government is planning to provide clear information about likely management of Tranche 2 sites as part of the consultation package.

4. When the Government and regulators determine the management arrangements for existing and future MCZs, they should seek to facilitate voluntary agreements where these would not undermine or weaken the particular MCZ’s objectives, while making it clear that they will use statutory enforcement where and when necessary.

17. The Government agrees that voluntary measures should be considered as part of the suite of possible arrangements for managing activities in sites in keeping with its commitments to better regulation. The Government also recognises that compliance is likely to be greater when users have participated in developing the management approaches and are bought into these. Regulators operate in accordance with the Better Regulation Principles which include early consideration of voluntary measures. The MMO and IFCAs are well-practised in engaging with stakeholders and considering voluntary measures as part of their approach to furthering the conservation objectives of MPAs. The Government expects this approach to continue drawing on external expertise.

6. The Government should also identify a body with a clear lead role for strategy and co-ordination on the MCZs. The MMO might be given that role, but if so the Government will need to ensure that the organisation’s plans and resources would allow it to discharge that responsibility effectively.

18. Defra has the lead role for strategy and co-ordination on MCZs and carries this out in collaboration with Defra network bodies and where appropriate, the Devolved Administrations. All the work to deliver the English contribution to a well-managed ecologically coherent network of MPAs is overseen by a project board which includes representatives from Natural England, the Joint Nature Conservation Committee, MMO and IFCAs to ensure that plans are deliverable by all those involved. Working-level arrangements include regular collaboration and joint-working between network bodies including Defra where appropriate. This includes working with marine planning colleagues in MMO to ensure marine plans and MCZs work are integrated.

19. Defra also has the lead role in coordinating the achievement of the UK contribution to the ecologically coherent network. As nature conservation powers are devolved we work closely with the Devolved Administrations to achieve UK objectives. For example all Administrations are working together to develop an inventory of what is protected in current MPA designations which will provide a better understanding of habitats and species protected and enable any gaps to be identified.

20. With regard to management of sites, the Government, with SNCBs and regulators, is currently considering what arrangements are needed to ensure that MCZs and other types of MPAs are managed transparently so that conservation objectives are achieved. This consideration is looking at both national level coordination and what might be needed at regional/local level. It will also consider whether a lead organisation for coordination of and reporting on management of MPAs is desirable and any cost implications.
7. In its response to this report, the Government should provide its assessment of the budget and resources that the Marine Management Organisation will make available to manage the MCZs, what level of efficiency improvements are implicit in any reduction in that budget or resources, and how such efficiencies will affect the level of MCZ management and enforcement that the MMO will be able to provide.

21. The MMO is one of a number of relevant authorities which will have responsibilities in managing MCZs and other types of MPAs. Other authorities include the IFCAs which have responsibilities for leading on the management of inshore fisheries within 6nm from the coast where the majority of the first tranche of MCZs lie. As noted above, Government has provided the IFCAs with additional funding for their work on MCZs.

22. The MMO licenses and regulates marine activities in the seas around England and Wales so that they are carried out in a sustainable way. It has a range of responsibilities including:

- managing and monitoring fishing fleet sizes and quotas for catches,
- ensuring compliance with fisheries regulations, such as fishing vessel licences, time at sea and quotas for fish and seafood,
- managing funding programmes for fisheries activities,
- planning and licensing for marine construction, deposits and dredging that may have an environmental, economic or social impact,
- making marine nature conservation byelaws, and
- producing marine plans to include all marine activities.

23. In relation to MCZs, the MMO provides:

- Pre–and post-consultation evidence and advice on activities and on likely management of potential sites to inform ministerial decisions on which sites to designate and support the impact assessment.
- Regulating activities on designated sites through consideration in planning and licensing decisions on relevant marine activities and putting in place management measures for unlicensed activities such as fishing and recreation.
- Enforcement of management measures on sites.
- Providing support to the IFCAs on the development of any byelaws to control inshore fishing activities which may affect MPAs.
- Providing support to Defra on identifying and establishing MPA management measures in offshore sites, undertaken through procedures contained within the reformed Common Fisheries Policy.

24. MMO’s budget for 2014–15 is £22.7m. It is not possible to separate out MMO’s work on MPAs, and specifically on MCZs, as this work is fully integrated and delivered by teams and staff throughout the MMO. This includes teams leading on marine licensing, marine conservation and enforcement, marine planning and on coastal operations as well as other supporting functions such as legal, evidence gathering, information management and statistical services. The MMO has assured Defra that MMO can deliver its responsibilities, as outlined in its Corporate Plan, within this budget.
25. Budgets for future years have not yet been confirmed and will reflect continuing work on the first tranche of MCZs as well as decisions, yet to be taken, on further designations.

Appendix 2—Letter from the British Marine Aggregate Producers Association

I am writing on behalf of the British marine aggregate sector in response to the Marine Protected Area report (HC 221) which was published on the 21st June 2014.

As an association, we submitted written evidence in support of the inquiry and would agree with many of the conclusions that the Committee reached.

We were though disappointed that the report chose to open with the following sentence: ‘Human activities, such as fishing and aggregate extraction, have caused significant damage to marine habitats and species.’

This rather sweeping statement reinforces the general perceptions that exist around the marine aggregate sector and the scale and nature of impacts that result. However, this statement is somewhat at odds with the scientific evidence that is available about the nature of the impacts associated with marine aggregate extraction, the way that it is regulated, and the ability of the marine environment to recover post-extraction so long as it is undertaken in an appropriate manner.

Government’s Charting Progress 2 report certainly did not identify marine aggregate extraction as a significant pressure in its own right, which given the limited spatial footprint of the activity (the licensed area is equivalent to less than 0.01% of the UK continental shelf—771km2 in 2013, and the annual dredged area significantly less—98km2) and the way it is highly regulated and managed by Government is not unexpected.

There is no doubt that if marine aggregate extraction takes place in the wrong place or in the wrong way it can potentially result in significant local impacts—however, the regulatory regime that the sector operates under, together with the precautionary evidence-led processes that are adopted, mean that if there are any doubts over the significance of any impacts, either at a site specific scale or in-combination with other activities around it, the activity simply will not be permitted.

We would also note that Government has invested over £25M in research around the effects associated with marine aggregate extraction over the last decade through the marine programme of the Aggregate Levy Sustainability Fund. This resulted in world-class evidence and understanding which is now being applied internationally, and the regional mapping data that resulted from this programme was a cornerstone of the MCZ process. A summary of the outcomes of the MALSF programme can be viewed here: http://www.bmapa.org/documents/Aggregate_Dredging_and_the_Marine_Environment.pdf
Considerable weight can be given to statements made in committee reports by potential readers, and such statements can either reinforce perceptions or help to overcome them.

On this occasion we recognise that there is little that can be done to the content of the report, but we considered it important to make the committee aware of these issues.